

## **REMARKS**

Claims 5, 12, and 20 have been canceled without prejudice or disclaimer.

### **Specification**

Applicants have noted the Examiner's comments regarding the various informalities on pages 3, 4, and 14 and have made the appropriate corrections. Applicants respectfully bring to the Examiner's attention that the projector and receiver were given distinct reference numerals (projector - 10 and receiver - 11) however, the specification primarily spoke in terms of housings for the projector and the receiver. However, Applicants do appreciate the Examiners comments and have, for clarity, further identified the particular "housing" as being a "projector" housing or a "receiver" housing. In conjunction with these changes, Applicants have also made a minor typographical correction regarding the term "throughbore".

Regarding the changes directed to page 13 and reference numeral 58, Applicants have added the reference numeral 59 (to the specification as well as to Figures 13-13D) to denote the internal slips. Applicants further clarified, at page 13 (second paragraph), that the flexible hose 58 and the internal slips 59 may be located at about the same relative position and may or may not be both utilized at the same time. The addition of the reference numeral 59 and the clarification of the position of either flexible hose 58 and/or internal slips 59 is not new matter and is clearly supported by the original specifications (at page 13 - separately discussing the flexible hose and the internal slips) and Figures 13-13D (although it would not be obvious to use either the flexible hose or the internal slips with the instant invention) one skilled in the art, upon reading the specification and viewing Figures 13-13D, would be able to discern that elements 58 and or 59 could have the same relative position as both elements must enter the tubular before the rest of the tool is operable for the functions described in the specification.

Applicants amended the first paragraph of the "Detailed Description of Embodiments" (page 2, line 24 - page 3, line 10) to include reference to element "8". Applicants further respectfully bring to the Examiner's attention that element 1a (Figures 1, 2, 5, and 9) is also undescribed in the specification. Element 8 denotes the bails that conventionally support a drilling rig elevator while element 1a denotes the ears or attachment points of the bails to the elevator. The "Brief Description of the Drawings" clearly identifies Figure 1 as an elevator suspended by bails and the descriptions of Figures 2 and 5 clearly state that there are no bails.

Further, one skilled in the art would readily recognize that elements 8 and 1a are bails and attachment points for the bails, respectively. Still further, Figures 13-13D clearly show bails with an analogous element number designation - 108.

Applicants respectfully submit that these changes are not for the purpose of introducing any new matter and thus respectfully ask that all amendments to the specification be entered and further that all objections to the specification have been overcome.

#### Drawings

Applicants have noted the Examiner's comments regarding the drawing objections and have made the appropriate corrections.

The specification was amended to include the reference character 8.

Figure 2 was amended to correct mislabeled element "5"; the correct designation is element "17". The change is supported, in the specification, at page 3, lines 14-16 which clearly describe the transition plate as being preferably mounted via screws 17. The screw 17 is again illustrated (and correctly labeled) in Figure 5.

In Figures 13-13D, previously omitted element 59 was added. This is clearly supported in the specification commencing at page 13. As explained hereinabove (specification amendments), the specification clearly refers to both the flexible guide 58 and the internal slips 59 (previously mislabeled as element "58"). Both the internal slips 59 and the flexible guide 58 are positioned toward the bottom end of the device (i.e. the end of the device which enters the tubular).

In Figure 1, element 8 (as well as element 1a) has been described in the specification and is supported by the specification and the drawings as explained hereinabove.

Applicants respectfully submit that these changes are not for the purpose of introducing any new matter and thus respectfully ask that all amendments to the drawings be entered, and further that all objections to the drawings have been overcome.

#### Claim Objections

Claims 1, 3-5, 10, 12, 13, 16-18, 22, 25, 27, and 28 have been objected to for various informalities. Applicants have noted the Examiner's comments and have amended the claims as suggested by the Examiner. Applicants appreciate the Examiner's thorough review of the claims and respectfully submit that the incorporation of the suggested changes has overcome these rejections.

### Claim Rejections – 35USC § 102

Reconsideration is respectfully requested for Claims 1, said claim having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,881,375 to Kelly. These rejections are respectfully traversed.

Applicants respectfully submit that Kelly is not analogous art. The Kelly tongs T are not an elevator. The tongs do not raise and lower the tubular string nor is the tubular string moved (in or out of the wellbore) while the tongs are engaged with the tubulars or while the tongs are being positioned. Kelly specifically discloses at col. 3, line 64 through Col. 4, line 9 that the when the pipe string is held by the elevator and moved in or out of the well the tongs are “out-of-the-way”.

In sharp contrast, the Applicants’ Claim 1 detects feature specifically in relationship to a rig elevator. Thus, Applicants respectfully submit that the Kelly reference be withdrawn and that the rejection of Claim 1 has been overcome and as such a favorable condition of such claims is respectfully requested.

Reconsideration is respectfully requested for Claims 1 and 3-5, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,073,699 to Hollingsworth, Jr. These rejections are respectfully traversed.

The Examiner alleges that Hollingsworth teaches the Applicants’ device at Fig. 2 and at Col. 3, lines 10-32. However, Applicants respectfully submit that Col. 3, lines 10-32 describes a device completely different than the device of Fig. 2 (Col. 5, lines 34-37). The device shown in Fig. 2 has rollers 46 (not sensor means) which facilitate tubular movement within the elevator. Applicants respectfully bring to the Examiner’s attention that as shown in Fig. 2, rollers 46 never actually contact the collar due to the body 12.

As per amended Claim 1 and 3, it is clear that the Applicants’ device comprises at least two sensors mounted in a vertical relationship. This is neither disclosed, taught, nor suggested by Hollingsworth. Thus, Applicants respectfully submit that the rejection of Claims 1 and 3-5 have been overcome and as such a favorable condition of such claims is respectfully requested.

Reconsideration is respectfully requested for Claims 1, 3, 13, 17-19, and 27, said claims having been rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,626,238 to Hooper. These rejections are respectfully traversed.

As per amended Claim 1 and 3, it is clear that the Applicants’ device comprises at least

two sensors mounted in a vertical relationship. This is neither disclosed, taught, nor suggested by Hooper.

Regarding Claims 13, 18, and 27, Applicants respectfully submit that Hooper does not teach an insertable oil field assembly nor the detection of that insertable oil field assembly. Hooper teaches detecting the position of an elevator, relative to the pipe 6 as the elevator is being lowered over the pipe 6. The Hooper sensors are an emitter and a receiver which create an optical beam above the top of the elevator. This beam senses the pipe 6 when it breaks the optical beam ( i.e. Hooper only teaches sensing the position of a pipe 6 extending through an elevator). What the Examiner alleges to be Hooper's insertable oil field assembly 6 is a pipe joint (Col. 5, lines 12-13 and lines 17-21) and that pipe joint is disclosed as extending into wellbore 50 not into an oilfield tubular (Col. 5, lines 17-21). A wellbore 50 is not an oilfield tubular and the insertion of a pipe into a wellbore is not the same as the claimed limitation of an oilfield assembly being insertable into an oilfield tubular. Further, Hooper's pipe 6 is **not** suspended from the traveling block until after the sensors have sensed the position and have closed the elevator slips.

In sharp contrast, the Applicants' device suspends and lowers the insertable oil field assembly before the elevator slips are engaged onto the tubular into which the insertable oil field assembly is lowered into. Still further, per amended Claim 27, it is clear that the source of the signal being emitted and reflected by the first reflecting surface is substantially aligned in the same horizontal plane as the first reflective surface while the insertable oil field assembly is being raised or lowered by the rig suspension system. Thus, Applicants respectfully submit that the rejection of Claims 1, 3, 13, 17-19, and 27 have been overcome and as such a favorable condition of such claims is respectfully requested.

Reconsideration is respectfully requested for Claims 25 and 26, said claims having been rejected under 35 USC 102(e) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over U.S. Patent No. 6,626,238 to Hooper. These rejections are respectfully traversed.

As discussed hereinabove, Applicants respectfully submit that Hooper does not teach an insertable oil field assembly nor the detection of that insertable oil field assembly. Thus, Applicants respectfully submit that it is not at all obvious, from the teachings of Hooper, that sensors can be mounted so as to sense the position of a oil field assembly being lowered substantially in tandem with an elevator and to also sense selected characteristics of a tubular. Thus, Applicants respectfully submit that the rejection of Claims 25 and 26 have been overcome

and as such a favorable condition of such claims in respectfully requested.

#### Claim Rejections – 35USC § 103

Reconsideration is respectfully requested for Claim 10, said claim having been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,626,238 to Hooper in view of U.S. Patent No. 6,558,241 to Hergott et al. These rejections are respectfully traversed.

Applicants respectfully submit that there is absolutely no motivation to combine Hooper and Hergott. Hooper and the Applicants' device clearly deal with oilfield tubulars and equipment, elevators, and rigs. Hergott is for detecting the diameter of a sausage link. The diameter of the sausage link increases as it is filled. Thus, Hergott is concerned with monitoring the increase in diameter to ensure that the filling machine cuts off should the diameter grow beyond some predetermined dimension. Hooper specifically teaches the use of optical sensors and is only concerned about sensing the point at which the tubular breaks the Hooper optical beam. Hooper is not concerned about any change in the pipe diameter or any other pipe dimension. As a simplified example, Hooper's optical sensors are similar to optical sensors on garage doors or the optical sensors for home or business. The goal of such sensors is to have a sending unit transmitting an optical beam to a receiving unit. If the beam is broken, then the garage door stops or an alarm is sounded. The breaking of the beam indicates a presence between the sending and receiving unit. Such is the case with the Hooper device; when the optical sensor beam is broken, Hooper's device has determined that at least some portion of the pipe 6 is aligned with the optical sensors. Thus, Hooper does not provide any motivation to use any other type of sensor. Further, one skilled in the art of sensing characteristics of oilfield tubulars would never find it obvious to search in the sausage making industry for ways to solve tubular handling problems in the oilfield.

Thus, Applicants respectfully submit that this rejection, of Claim 10, be withdrawn and a favorable condition of such claim in respectfully requested.

#### Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claims 22-24, and 28. As suggested by the Examiner and discussed hereinabove, Applicants have amended Claims 22 and 28 to correct minor informalities and Applicants respectfully submit that said claims still remain in an allowable condition after said amendments.

Applicants appreciate the Examiner's indication of allowability of Claims 14, 15, 20, and

21 if rewritten in independent form including all the limitations of the base claim and any intervening claims. As such, Applicants have rewritten Claim 14 in independent form including all the limitations of the base claim, Claim 13. Applicants respectively submit that Claim 14 now stand in formal condition for allowance.

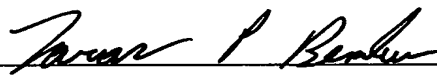
Further, Claim 18, from which Claim 20 originally depended, has been amended to include the limitation of Claim 20 and Claim 20 has been canceled. Thus, Applicants respectively submit that Claim 18 and Claims 19 and 21, which depend from Claim 18, now stand in formal condition for allowance.

Conclusion

In light of the above amendments and discussion, Applicants respectfully submit that the application now stands in prima facie condition for allowance and courteously request that this application be advanced to issue. The Applicants are of the opinion that no additional fees, beyond the two month extension of time, are required with the submission of this response. However, if additional fees are required, the Commissioner is hereby respectfully authorized to deduct such fees from Deposit Account Number 13-2166. The Examiner is respectfully invited to call the Applicants' representative, Taras P. Bemko, at 713-355-4200, to discuss any matters, that may arise, where such discussion may resolve such matters and place this application in condition for allowance.

Respectfully Submitted,

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### **AMENDMENTS TO THE DRAWINGS**

Please replace the attached sheets of drawings.

In Figure 2, element 5 was corrected to show as being element 17. The change is supported, in the specification, at page 3, lines 14-16 and Figure 5.

In Figures 13-13D, previously omitted element 59 was added.